

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Milton Farley, District No. 1

A **special meeting** of the **COMMITTEE ON LAND USE** was held on Monday, December 15, 2003, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:24 p.m.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

PRESENT: Mr. Milton Farley, Councilmember District No. 1, Chairman; Mrs. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Dennis L. Fish, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney Jr., Councilmember District No. 7; Mr. Steve C. Davis, Councilmember District No. 8; Mr. James H. Rozier, Jr., Supervisor, ex officio; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Charles E. Davis, Councilmember District No. 4, was excused from this Land Use Committee Meeting.

Chairman Farley called the meeting to order and stated the only item on the agenda had been held in Committee: Bill No. 03-61, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Robbie & Alan Brunson**, 1030 Cainhoy Road, Wanda, TMS #263-00-01-010, (6.18 acres) **from R-2, Mobile Home Residential District, to GC, General Commercial District.** Council District No. 8.

Councilmember Steve Davis explained to council he had given some thought as to why the item had not been discussed at the regular meeting of the Committee on Land Use on December 8, 2003. In deference to the neighbors that live in this particular area that he represents, he had hoped that he would have been given a little more opportunity to go out to the area and address the concerns. There was tremendous concern in reference to a designated purpose. And further thought the item should be held in committee.

Councilmember Pinckney stated he didn't see any reason why Councilmember Steve Davis should not be given additional time to interview other property owners in that particular area if there was no dire emergency for the rezoning.

Chairman Farley stated, "Personally, I think Mr. Davis has had plenty of time to interview everybody over in that section." Mr. Farley then asked Mrs. Brunson to address Council as to how long this matter of rezoning had been going on.

Mrs. Brunson stated the process began in April and she had attended every meeting. She stated they do have family members in the area and they plan to retire to this area. Ms. Brunson further stated it was her understanding that Mr. Lincoln's mother lives within feet of their property and her property is zoned commercial. None of the residents have asked to go back residential; they have kept their property commercial. She stated she had asked Mr. Lincoln if there was anything they could do to resolve this

issue. Mr. Lincoln's response to her was that she sell the property back to the people in that area as residential. Ms. Brunson stated this is their grandparent's property and had been in the family for years. They did not change the neighborhood, the neighborhood changed around them. There are over 38 pieces of property in a half-mile radius zoned commercial. It is her understanding that the properties were zoned commercial in 1996. The people are paying higher taxes but have not requested that their properties be rezoned to the Residential.

Mr. LeaMond stated there were a few parcels, when the original zoning of that area was completed, at the Intersection of 98 and 33 that were zoned commercial. There were two at the corner and there is one that backs up to this lot that was zoned a year or two after the original zoning was completed.

Councilmember Spooner asked why the Planning Commission did not have a problem with that request?

Mr. LeaMond responded they were informed that an office building would be built on the property. While it is not presently being used as commercial it is still zoned commercial and pointed to the parcels on the map.

It was moved by Councilmember Spooner and seconded by Councilmember Fish to send Bill 03-61 to Council for Third Reading.

Councilmember Steve Davis stated that in reference to Chairman Farley's statement regarding his having ample time to conduct interviews, Mr. Farley was not present for some period of time due to illness. However, he hoped that Chairman Farley could appreciate his inabilities due to particular obligations, which hampered his going out to the Huger area. Councilmember Steve Davis stated he was not satisfied with his visits made to that area in reference to addressing all of the issues. There is an abundance of properties in that area that is residential. Before the Committee votes, he would like Mr. Fred Lincoln to clarify some questions regarding the property.

Mr. Fred Lincoln of 133 Sarah Lincoln Road, Wando addressed Council and stated his reputation and integrity were very important to him. At the last meeting Ms. Brunson asked him, "What did I think she should do with her property? My response was that the property had been purchased as Residential. He stated the previous owner did not seek an advantage by rezoning the property Commercial for his benefit and he suggested the property should remain Residential and be sold as that. "I did not mention selling it back to me or any of my family. And the next lie was my parents do not own any property in that area."

Councilmember Fish asked Mr. Lincoln did any of his relatives own property in that area.

Mr. Lincoln stated none of his relatives own property in that immediate area. Mr. Lincoln further explained, "The issue came before Planning & Zoning almost a year and a half ago. At that time the plans for use was to store Tractor/Trailers and the

request was denied. After being brought back before the Planning Commission, the sad stories began about hardship. If it wasn't a hardship a year and a half ago, why is it now? This community has been in place for 135 years. It's a very diverse community in that it is made up of whites and blacks." Mr. Lincoln indicated he had spoken with the folks in the community today and asked them did they want the property adjacent to them commercial and the answer was no. There are residents with medium income and own a small amount of property. Their community was worth protecting and when it is said that adjacent properties are commercial, "in that light, every property is adjacent to commercial property." Mr. Lincoln stated people with medium income should have a quality of life in a residential area so that their kids could roam free. These folks do not have the luxury of selling their homes and moving to another area. He stated the Council Member needs to go back to the community to talk with the people and he is convinced that 98 percent would say that they want their community to remain as is.

Supervisor Rozier stated that when they say adjacent property is commercial, they mean property that abuts. It's a federal law that spot zoning is prohibited; so, property of like zoning has to be connected in order to rezone that piece of property.

Councilmember Steve Davis asked Mr. LeaMond what was Staff's rational for denying the request?

Mr. LeaMond stated Staff's concern was the intended use for the property. The original application from a couple of years back indicated it was to be a truck facility.

Councilmember Steve Davis asked if a designated purpose would make a tremendous difference?

Mr. LeaMond replied it would.

The motion to send Bill No. 03-61 to Council for Third and Final Reading passed by majority vote of the Committee with Councilmembers Steve Davis and Caldwell Pinckney voting "Nay."

It was moved Councilmember Crosby and seconded by Councilmember Spooner to adjourn. The motion passed by unanimous voice vote of the Committee.

The Committee Meeting adjourned at 6:40 p.m.

April 12, 2004
Date Approved

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(Standing Committee of Berkeley County Council)

Chairman: Mr. Milton Farley, District No. 1

Members: Mrs. Judith K. Spooner, District No. 2
Mr. William E. Crosby, District No. 3
Mr. Charles E. Davis, District No. 4
Mr. Dennis Fish, District No. 5
Mrs. Judy C. Mims, District No. 6
Mr. Caldwell Pinckney, District No. 7
Mr. Steve C. Davis, District No. 8
Mr. James H. Rozier, Jr., Supervisor, ex officio

A Special **Meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday December 15, 2003**, in the Assembly Room, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at **6:00 p.m.**

AGENDA

Held in Committee

1. Bill No. 03-61, An **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Robbie & Alan Brunson**, 1030 Cainhoy Road, Wando, TMS #263-00-01-010, (6.18 acres) **from R-2, Mobile Home Residential District, to GC, General Commercial District**. Council District No. 8.

December 10, 2003
S/Barbara B. Austin
Clerk of County Council